

Timothy J. Silverman, Bar No. 145264
 Holly J. Nolan, Bar No. 140775
 SOLOMON, GRINDLE, SILVERMAN & WINTRINGER
 A Professional Corporation
 12651 High Bluff Drive, Suite 300
 San Diego, California 92130
 (858) 793-8500 Telephone
 (858) 793-8263 Facsimile

Attorneys for Defendants
 CABRILLO CREDIT UNION and
 SOLOMON, GRINDLE, SILVERMAN
 & WINTRINGER, APC

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

Cathy Sandoval Garcia,	)	Case No: 11CV1805 DMS BLM
)	
Plaintiff,	)	REQUEST FOR JUDICIAL NOTICE IN
v.	)	SUPPORT OF MOTION TO DISMISS OR,
	)	IN THE ALTERNATIVE, TO STRIKE
Solomon, Grindle, Silverman & Wintringer	)	PORTIONS OF FIRST AMENDED
APC, and Cabrillo Credit Union,	)	COMPLAINT
)	
Defendants,	)	[FRCP 12(b)(1) and (6) & 12(f)]
)	
	)	<u>Hearing:</u>
	)	Date: 1/13/12
	)	Time: 1:30 p.m.
	)	Dept.: 10
	)	Judge: Honorable Dana M. Sabraw

Pursuant to Rule 201 of the Federal Rules of Evidence, Defendants CABRILLO CREDIT UNION ("CABRILLO") and SOLOMON, GRINDLE, SILVERMAN & WINTRINGER, APC ("SGSW") hereby request that the Court take judicial notice of the following documents in support of the motion to dismiss or, in the alternative, to strike portions of the First Amended Complaint filed by Plaintiff CATHY SANDOVAL GARCIA against CABRILLO and SGSW in the above-entitled action:

I. Letter dated September 21, 2011 from Solomon, Grindle, Silverman & Wintringer, APC on behalf of Cabrillo Credit Union to Cathy Garcia, c/o Attorney Joshua Swigart, a true and correct copy of which is attached hereto as Exhibit "A".

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1 2. Letter dated September 21, 2011 from Attorney Joshua Swigart to Solomon, Grindle,
2 Silverman & Wintringer, APC, a true and correct copy of which is attached hereto as Exhibit "B".

3
4 Dated: October 26, 2011

SOLOMON, GRINDLE, SILVERMAN
& WINTRINGER, APC

5
6
7 By: /s/ Holly J. Nolan

Timothy J. Silverman
Holly J. Nolan
Attorneys for Defendant
CABRILLO CREDIT UNION and
SOLOMON, GRINDLE, SILVERMAN
& WINTRINGER, APC

EXHIBIT “A”

SOLOMON, GRINDLE, SILVERMAN & WINTRINGER

A PROFESSIONAL CORPORATION

12651 HIGH BLUFF DRIVE, SUITE 300

SAN DIEGO, CALIFORNIA 92130

TELEPHONE (858) 793-8500

FAX (858) 793-8263

HOLLY J. NOLAN

EXTENSION 246

E-MAIL: HOLLYN@SGSWLAW.COM

FILE NO
8003 0227

Certified Article Number

7160 3901 9848 1050 9735

SENDERS RECORD

September 21, 2011

SENT VIA CERTIFIED MAIL/RETURN RECEIPT REQUESTED.
REGULAR U.S. FIRST CLASS MAIL AND VIA FACSIMILE

Cathy S. Garcia
c/o Joshua B. Swigart, Esq.
Hyde & Swigart
411 Camino Del Rio South, Suite 301
San Diego, CA 92108-3551

Re: DEMAND FOR PAYMENT

Account No: 183724-10 (Mastercard)
Balance Due: \$ 759.16
Past Due: \$ 155.00

Account No: 183724-21 (Auto Loan)
Balance Due: \$13,254.62
Past Due: \$ 3,458.00

Dear Ms. Garcia:

Please be advised that this law firm represents Cabrillo Credit Union ("Cabrillo"). Cabrillo has forwarded to us the Complaint you filed in the US District Court, Southern District of California entitled Garcia v. Solomon, Grindle, Silverman & Wintringer, et al., Case No. 11CV1805 DMS BLM ("USDC Action"), which has only been served on Cabrillo on September 7, 2011. The USDC action makes certain allegations concerning deficiencies in an April 4, 2011, letter sent to you, which you acknowledge receiving. While Cabrillo disputes any deficiency exists and/or that any deficiency gives rise to a claim as set forth in the USDC Action, in that you have made certain allegations of a violation, Cabrillo exercises its rights pursuant to the California Civil Code §1788.30(d) to submit this revised demand letter.

Please consider this letter a formal request for payment or arrangement for payment of the foregoing obligation. Unless you notify this office within **thirty (30) days** after receiving this letter that you dispute the validity of the debt or any part of it, we will assume the debt to be valid. Also, if you notify this office in writing within **thirty (30) days** after receiving this notice that you dispute this debt or any part of it,

Cathy S. Garcia
Mbr. No. 183724
September 21, 2011
Page 2

this office will obtain and mail to you verification of the debt or a copy of the judgment. If you request within this **thirty (30)** day period, in writing, the name and address of the original creditor (if different from the current creditor), this office will also provide you with that information.

The state Rosenthal Fair Debt Collection Practices Act and the Federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

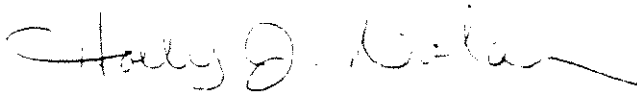
Please be advised that this is an attempt to collect a debt, and that any information obtained will be used for that purpose.

Absent payment or arrangement for payment of this debt within the above-described **thirty (30)** day period, we will be required to consider further collection remedies which may result in a judgment against you including attorneys' fees and cost. It is our hope that this will not be necessary.

Please direct any communications with respect to the foregoing to the attention of the undersigned.

Very truly yours,

SOLOMON, GRINDLE, SILVERMAN
& WINTRINGER, APC



Holly J. Nolan, Esq.

cc: Cabrillo Federal Credit Union

This correspondence is an attempt to collect a debt and any information provided will be used for that purpose.

SOLOMON, GRINDLE, SILVERMAN & WINTRINGER
A PROFESSIONAL CORPORATION
12651 High Bluff Drive, Suite 300
San Diego, California 92130
Telephone (858) 793-8500 • Telecopier (858) 793-8263

TELECOPIER TRANSMITTAL COVER LETTER

TO: Joshua B. Swigart
ORGANIZATION: Hyde & Swigart
TELECOPIER: (619) 297-1022
TELEPHONE:
FROM: Holly J. Nolan
DATE: September 21, 2011
RE: Cabrillo Credit Union v. Garcia
PAGE(S): 3
FILE NO: 8003.0227
DESCRIPTION OF DOCUMENTS SENT: Correspondence
MESSAGE/COMMENTS: Please see attached.

DIRECT YOUR INQUIRY REGARDING UNSUCCESSFUL TRANSMISSION OR ILLEGIBLE COPY TO
THE FAX OPERATOR AT 858-793-8500, ext. 227

THE INFORMATION CONTAINED IN THIS FAX MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS FAX MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY ON NOTICE THAT YOU ARE IN POSSESSION OF CONFIDENTIAL AND PRIVILEGED INFORMATION. ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. YOU ARE REQUESTED TO IMMEDIATELY NOTIFY THE SENDER BY TELEPHONE OF YOUR INADVERTENT RECEIPT. YOU ARE FURTHER REQUESTED TO RETURN THE ORIGINAL FAX MESSAGE TO THE SENDER AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. YOUR COOPERATION IS APPRECIATED.

TRANSMISSION COMPLETED

BY: _____

DATE: _____

TIME: _____

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TRANSMISSION COMPLETED

BY: _____

DATE: _____

TIME: _____

TX RESULT REPORT

NAME: SOLOMON GRINDLE
 TEL : 8587938263
 DATE: SEP. 21' 2011 14:30

SESSION	FUNCTION	NO.	DESTINATION STATION	DATE	TIME	PAGE	DURATION	MODE	RESULT
4012	TX	01	6192971022	SEP. 21	14:30	003	00H00'56"	ECM	OK

EXHIBIT “B”

Sep. 21. 2011 3:50PM Hyde & Swigart

No. 4556 P. 1

8003.0227

HYDE & SWIGART
Attorneys at Law

SAN DIEGO, CA
PHOENIX, AZ
MINNEAPOLIS, MN
RIVERSIDE, CA

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San Diego, CA 92108
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josh@westcoastlitigation.com
www.westcoastlitigation.com
www.southwestdefense.com

Attorney Bar Licenses:
Robert L. Hyde (CA & MN)
Joshua B. Swigart (CA)
David J. McGlothlin (AZ & CA)

September 21, 2011

Holly J. Nolan
SOLOMON, GRINDLE
12651 High Bluff Drive, Ste. 300
San Diego, CA 92130
Fax: 858-793-8263

RE: *Cathy S. Garcia; Cabrillo Credit Union Account*
Account No.: 183724-10 and 183724-21

Dear Ms. Nolan:

I am in receipt of your letter dated September 21, 2011 concerning my client and her two accounts with your client. Accordingly, Ms. Garcia disputes both accounts, their validity and amounts claimed. Please provide verification. Additionally, if either your office or your client is reporting any negative tradelines on my client's credit report(s), please provide the additional information to the credit reporting agencies that my client disputes the accounts. Forward all future correspondence and verification of the debts to my office.

Sincerely,

Joshua B. Swigart